IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.206 OF 2006
IN
NOTICE OF MOTION NO.2930 OF 2004
IN
SUIT NO.2899 OF 2004

Gyaneshwar Apartments Co-Operative Housing Society Ltd. ....Appellant
V/s.
G.M. Greweries Ltd. ....Respondent

Mr.D.D. Madon, Senior Counsel i/b M/s.Thakore Jariwala & Associates for the Appellant.
Mr.O.A. Das for the Respondent.

CORAM : DR.S. RADHAKRISHNAN & S.J. VAZIFDAR, JJ.
DATED : 19TH JULY, 2006.

P.C. :

1. Heard the learned counsel for the Appellant and the learned counsel for the Respondent.

2. The Appeal is admitted. The learned counsel for the Respondent waives service. By consent the Appeal is taken up for final hearing.

3. By this Appeal, the Appellant is challenging the order dated 19.8.2005 which was decided by the learned single Judge ex-parte in the absence of the Appellant. After hearing for some time, both the

parties are agreeable for setting aside of the order of the learned Single Judge dated 19.8.2005 and both the learned counsel state that no reasons need to be given. In view thereof, the impugned order dated 19.8.2005 passed by the learned Single Judge stands set-aside and the Notice of Motion No.2930 of 2004 is restored to the file and we request the learned Single Judge to expeditiously decide the same, on its own merits, in accordance with law. The Appeal stands disposed of accordingly.

(DR.S. RADHAKRISHNAN, J.)

S.J. VAZIFDAR, J.)